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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

LAUREN BYRNE, individually and
on behalf of all others similarly
situated,

Plaintiff,

vs.

SANTA BARBARA HOSPITALITY,
INC., THE SPEARMINT RHINO
COMPANIES WORLDWIDE,
INC. SPEARMINT RHINO
CONSULTING WORLDWIDE, INC.,
and SANTA BARBARA
HOSPITALITY SERVICES, LLC,

Defendants.

Case No. 5:17-cv-00527 JGB (KKx)

[Assigned to The Hon. Jesus G. Bernal]

**INTERVENORS' MOTION TO
STRIKE SHALA NELSON'S
OBJECTION**

Date: March 5, 2018
Time: 9:00 a.m.
Courtroom: 1

Date Action Filed: March 21, 2017
Trial Date: None.

MOTION TO STRIKE NELSON’S OBJECTION

I. INTRODUCTION

Meghan Herrera, Danielle Hach, Alisa Osborne, Carlie Zufelt, Gena Torres, Regina Cabral, and Sabrina Preciado (“Intervenors”) submit this Motion to Strike Shala Nelson’s Objection.

Ms. Nelson filed her objection to the proposed settlement on January 22, 2018. Then, the next day, she inexplicably opted-out of the class.

II. ARGUMENT & AUTHORITIES

“[O]nly class members have an interest in the settlement funds, and therefore only class members have standing to object to a settlement. Anyone else lacks the requisite proof of injury necessary to establish the ‘irreducible minimum’ of standing.” *Feder v. Elec. Data Sys. Corp.*, 248 Fed. Appx. 579, 580 (5th Cir. 2007); *Gould v. Alleco, Inc.*, 883 F.2d 281, 284 (4th Cir.1989) (noting that “[t]he plain language of Rule 23(e) clearly contemplates allowing only class members to object to settlement proposals”); FED. R. CIV. P. 23(e)(4)(A) (providing that “any class member may object to a proposed settlement”).

As an opt-out, Ms. Nelson lacks standing to complain about the Settlement Agreement. “Those who are not class members, because they are outside the definition of the class or have opted out, are on a different footing. Class action settlements typically leave intact the legal claims of others. This is one of the reasons why nonsettling parties in multi-party cases lack standing to object to settlement agreements on appeal.” *Mayfield v. Barr*, 985 F.2d 1090, 1092 (D.C. Cir. 1993). The same holds true in this case. Accordingly, Intervenors request that Ms. Nelson’s objection be stricken.

1 Dated: February 28, 2018

Respectfully submitted,

2 By: /s/ William X. King

3 William X. King

4 Cal. Bar No. 291202

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2018, I electronically submitted the foregoing document with the Clerk of the Court for the U.S. District Court, Central District of California, using the CM/ECF System of the Court and that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

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